

If You Are Being Stalked...

Notify the Local Law Enforcement and Prosecutor's Offices.

All stalking incidents should be reported to the police. Request that each incident be documented. Request a copy of the report from your local law enforcement agency. Give police any written correspondence and report any phone threats. Put dates received on all correspondence from the stalker. Know the name of the law enforcement officer in each incident.

Keep a Diary. Obtain the names and addresses of witnesses. Complete records are essential to the successful prosecution of stalking cases. Write a description of each incident.

Get a Protective Order if you are related to the stalker by blood or marriage, if you ever lived together, or if you have a child in common. To get a Pro Se *Protective Order Packet* call 800-777-3274. This packet will help you obtain a protective order barring the stalker from certain areas near your home, your work, or your child's school.

Record Telephone Conversations. Tell the stalker to stop calling and hang up. Screen your calls. Write down the time and date the stalker calls. Keep recorded messages and give them to law enforcement.

Take Pictures of the Stalker. Take pictures of the stalker if it can be done safely and write time, date, and place on the back of each picture.

Keep All Correspondence. Make a copy of anything you receive from the stalker. Touching the letter as little as possible will preserve fingerprints.

Tell Everyone. Give friends, co-workers, and neighbors a description of the stalker. Ask them to document each time the stalker is seen by them.

1. **BE ALERT** and aware of your surroundings, the people and things happening around you.

2. **VARY ROUTES OF TRAVEL** when you come and go from work or home.

3. **PARK SECURELY** and in well-lit areas and ask someone to escort you to your car.

4. **BE AWARE** of vehicles following you. **If you are followed** drive to a police station, fire department, or busy shopping center and sound the horn to attract attention.

5. **ALERT MANAGERS OR SECURITY** at your place of business. Provide a picture or description of the stalker.

6. Have a **SECURITY CHECK** made by law enforcement of your home to ensure your home can be locked safely. Secure all doors and windows in both your home and vehicle.

7. Maintain an **UNLISTED NUMBER**. If Caller ID is available in your area, obtain the service for your phone.

8. **DO NOT DISMISS ANY THREAT**, written or verbal. Call the police or sheriff's department and save any documentation.

9. **MAINTAIN PRIVACY**, never give out personal information to anyone where the information can be overheard. Remove phone number and social security number from as many items as possible.

10. Develop a **SAFETY PLAN** for yourself and family members in case of emergency. Decide on a safe place to meet and someone to call if problems do arise.

Crime Victims' Compensation Can Help
800-983-9933

DEFENDING YOURSELF AGAINST STALKING

Produced by: The Office of the Attorney General,
Crime Victims' Compensation Division and
The Texas Council on Family Violence



800-799-7233
National Domestic
Violence Hotline

The Texas Legislature passed a new stalking law in January 1997. This brochure is designed to help stalking victims help law enforcement and the judicial system apprehend, prosecute, and convict stalkers.

Questions About Stalking...

What is Stalking?

A stalker tries to control his or her victim through behavior or threats intended to intimidate and terrify. A stalker can be an unknown person, an acquaintance or a former intimate partner. A stalker's state of mind can range from obsessive love to obsessive hatred. A stalker may follow a victim off and on for a period of days, weeks, or even years. A stalking victim feels reasonable fear of bodily injury or death to self or to a family or household member or damage to property.

Stalking can be perpetrated by the stalker her/himself or by someone acting on her/his behalf. Stalking can take the form of verbal threats or threats conveyed by the stalker's conduct, by threatening mail, damage to property, surveillance of the victim, or following the victim.

How do I Know if I'm Being Stalked?

The stalker may, on more than one occasion:

1. Follow the victim and/or victim's family or household members, or
2. vandalize the victim's property.
3. inflict damage to property—perhaps by vandalizing the car, harming a pet or breaking windows at the victim's home, or
4. call or send threatening mail, or
5. drive by or park near the victim's home, office, and other places familiar to the victim.

Terroristic Threat

(Section 22.07, Penal Code):

What is terroristic threat?

Intent and conduct of perpetrator: Terroristic threat is not limited to stalking. A person intentionally threatens to commit an offense involving violence to any person or property with the intent to place a person in fear of imminent serious bodily injury.

Penalty: Class B misdemeanor.

Texas Stalking Law

Stalking (Section 42.072)

How is stalking proven?

1. **Intent of stalker:** Stalker has the intent or the knowledge that his/her actions will instill fear of death or bodily injury to the victim or a member of the victim's family or household. Threats can be explicit (ie—stating that he is going to kill the victim) or implied (ie—veiled threats, hurting family pet). Threats have to be aimed at a specific person; they cannot be general threats. Threats may be conveyed by the stalker or by someone acting on behalf of the stalker.
2. **Conduct of stalker:** Conduct has to occur on more than one occasion and be directed towards the victim and/or the victim's family or household members. More than one police report is not required. The acts may include threatening contact by mail or by phone, or damaging the victim's property.

Penalty: Class A misdemeanor

(\$4,000 and/or no more than one year in jail) unless there is a prior conviction for stalking, in which case the penalty is upgraded to a 3rd degree

felony (2 to 10 years of jail time and possibly a fine of up to \$10,000.) In addition the releasing officer is required to make a "reasonable effort" (one attempt) to get in touch with the victim when the stalker is being released or escapes from prison. It is the victims' responsibility to notify law enforcement officials of a change in the victims' phone number or address.

Important Phone Numbers

Police/Sheriff 911

Texas Council on Family Violence
800-525-1978

National Domestic Violence Hotline
800-799-7233

TDD
800-787-3224

Texas Women's Advocacy Project—
Family Violence Hotline
800-347-4673

State Bar of Texas
800-204-2222

Texas Legal Services Center
512-477-6000

If you are a victim of stalking and need more help, advice and practical assistance call

Texas Women's Advocacy Project
800-777-3247 or
512-476-1866